

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MARGUERITE HOFFMAN, §
§
Plaintiff, §
§
vs. § Civil Action No. 3:10-CV-0953-D
§
§
L&M ARTS, SOTHEBY'S, INC., §
TOBIAS MEYER, DAVID MARTINEZ, §
and STUDIO CAPITAL, INC., §
§
§
Defendants. §

UPDATED STATUS REPORT

COMES NOW, Marguerite Hoffman, Plaintiff, and L&M Arts, David Martinez and Studio Capital, Inc., Defendants, and file this their Updated Status Report to inform the Court of the current status of certain pretrial proceedings in the above-referenced action.

EXPERT WITNESS DEPOSITIONS:

All expert witness depositions have been completed.

FACT DISCOVERY:

1. Nathalie Sutter Deposition: The Nathalie Sutter deposition will be taken by Plaintiff on August 9th and/or 10th at Cleary Gottlieb's offices in London.
2. 30(b)(6) Deposition of Studio Capital. Studio Capital has designated Nathalie Sutter as its witness on all topics for its 30(b)(6) deposition. That deposition will be taken on August 9th and/or 10th at Cleary Gottlieb's offices in London, England.

3. 30(b)(6) Deposition of L&M Arts. Plaintiff's motion to compel this deposition is fully briefed and awaits disposition by the Magistrate Judge [Dkt. 230, 253, 263].

4. Motion to Compel Additional Discovery from L&M Arts: On July 13, 2012, Plaintiff filed her Sealed Motion to Compel L&M Arts to Produce Documents Concerning the Consignment of the Red Rothko and Transactions Involving Works by Mark Rothko and to Compel Dominique Levy to Respond to Deposition Questions [Dkt. 302]. On July 18, 2012, the motion was referred to the Magistrate Judge [Dkt. 321]. The Defendant's response to that motion will be due on August 3, 2012.

PLEADINGS:

Plaintiff filed a sealed motion for leave to file a third amended complaint. That motion is now fully briefed and ripe for decision [Dkt. 252, 269, 270, 286].

SETTLEMENT:

The parties have agreed that the mediation in this case will occur on August 28, 2012. The agreed mediator is Earl Hale. The agreed location for the mediation is Willkie Farr's office at 787 Seventh Avenue, New York, NY 10019.

MOTIONS TO STRIKE EXPERT WITNESS AND/OR EXPERT WITNESS REPORT:

Defendants filed the following:

1. Defendants Studio Capital's and David Martinez's Sealed Motion to Strike "Supplemental" Expert Report of Victor Wiener filed on July 11, 2012 [Dkt. 277]. Plaintiff's response to that motion will be due on August 1, 2012;

2. Defendant L&M Arts's Joinder in Defendants Studio Capital's and David Martinez's Sealed Motion to Strike "Supplemental" Expert Report of Victor Wiener filed

on July 11, 2012 [Dkt. 283]. Plaintiff's response to that motion will be due on August 1, 2012;

3. Defendants Studio Capital, Inc.'s and David Martinez's Sealed Motion to Exclude the Expert Report and Proposed Testimony of Victor Wiener filed on July 13, 2012 [Dkt. 295]. Plaintiff's response to that motion will be due on August 3, 2012; and

4. Defendant L&M Arts's Joinder in Defendants Studio Capital, Inc.'s and David Martinez's Sealed Motion to Exclude the Expert Report and Proposed Testimony of Victor Wiener filed on July 13, 2012 [Dkt. 301]. Plaintiff's response to that motion will be due on August 3, 2012.

MOTIONS FOR SUMMARY JUDGMENT:

The following motions for summary judgment have been filed:

1. Motion for Summary Judgment of Defendants Studio Capital, Inc. and David Martinez filed on July 13, 2012 [Dkt. 288]. Plaintiff's response to that motion will be due on August 3, 2012;

2. Defendant L&M Arts's Sealed Motion for Summary Judgment filed on July 13, 2012 [Dkt. 298]. Plaintiff's response to that motion will be due on August 3, 2012; and

3. Plaintiff's Sealed Motion for Partial Summary Judgment filed on July 13, 2012 [Dkt. 304]. Defendants' responses to that motion will be due on August 3, 2012.

RESPECTFULLY SUBMITTED,

SHACKELFORD, MELTON & MCKINLEY
LLP

By: /s/ Bart Wulff

Bart Wulff
State Bar No. 22086100
3333 Lee Parkway, Tenth Floor
Dallas, TX 75219
BWULFF@shacklaw.net
Tel: (214) 780-1400
Fax: (214) 780-1401

WILLKIE FARR & GALLAGHER LLP

Roger Netzer
Mary Eaton
Deirdre Hykal
787 Seventh Avenue
New York, NY 10019-6099
rnetzer@willkie.com
Tel: (212) 728-8000
Fax: (212) 728-8111

Attorneys for Plaintiff

CERTIFICATE OF CONFERENCE

All counsel have reviewed drafts of this update and have agreed to its filing.

By: /s/ Bart Wulff
Bart Wulff

CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of the foregoing is being served electronically via ECF on all counsel of record on the 27th day of July 2012.

By: /s/ Bart Wulff
Bart Wulff